

**From:** Kenneth R. Brownsberger  
**To:** Microsoft ATR  
**Date:** 1/24/02 11:55am  
**Subject:** Microsoft Settlement

To: microsoft.atr@usdoj.gov  
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I wish to comment on the proposed Microsoft settlement. First, I whole-heartily agree with the long list of problems with the settlement which have been identified by Mr. Dan Kegel. Mr. Kegel's analysis of the Proposed Final Judgment (PFJ) is on the Web at <http://www.kegel.com/remedy/remedy2.html>.

In particular, I agree that as written the PFJ,

- ? Contains misleading and overly narrow definitions and provisions,
- ? Fails to prohibit anticompetitive license terms currently used by Microsoft,
- ? Fails to prohibit intentional incompatibilities historically used by Microsoft,
- ? Fails to prohibit anticompetitive practices towards OEMs, and
- ? Appears to lack an effective enforcement mechanism.

Second, I believe the settlement will actually help increase Microsoft's monopolistic dominance in the desktop Operating System environment - by actively placing a great many additional Microsoft platforms into the education field, one of the few areas where Microsoft does not currently maintain an overpowering monopoly. Allowing Microsoft to flood the education field with copies of their software is not a significant, punitive measure - as the real dollar cost to Microsoft will be only a small portion of the claimed 'market value' of this software, and more importantly, it will only serve to solidify Microsoft's market stronghold - making it that much harder to curb the anticompetitive practices that brought about the lawsuit in the first place!

In summary, I feel that the Proposed Final Judgment allows and encourages significant anticompetitive practices to continue and is therefore not in the public interest. It should not be adopted without substantial revision to address these issues.

Sincerely,

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